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## *Attorneys for Defendant Wisdom of the Heart Church*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

**INTERNATIONAL  
METAPHYSICAL MINISTRY, INC.,  
an Arizona corporation.**

**Plaintiff,**

VS.

WISDOM OF THE HEART  
CHURCH, a California non-profit  
company d/b/a THE UNIVERSITY  
OF METAPHYSICAL SCIENCES;  
and various unknown and/or fictional  
individuals and entities

### Defendants.

No. 4:21-cv-08066-KAW

**NOTICE OF ERRATA TO  
EXHIBIT "7" TO THE  
DECLARATION OF  
VALERIE F. HORN IN SUPPORT OF  
MOTION FOR SUMMARY  
JUDGMENT**

**TIME:** TBD  
**DATE:** JULY 20, 2023  
**COURTROOM:** TBD

Defendant Wisdom of the Heart Church dba University of Metphyisical Sciences hereby submits its Notice of Errata to correct Exhibit “7” to the Declaration of Valerie F. Horn [Dkt. 146-2], which erroneously omitted certain pages to that Exhibit. Accordingly, attached hereto as Exhibit “7” is a corrected Exhibit “7” to the Declaration of Valerie F. Horn.

1 DATED: May 22, 2023

2 VALERIE F. HORN & ASSOCIATES  
3 A PROFESSIONAL LAW CORPORATION

4 BY: \_\_\_\_\_  
5 /s/ Valerie F. Horn  
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Valerie F. Horn

# **Exhibit “7”**

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

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7 INTERNATIONAL METAPHYSICAL )  
8 MINISTRY, INC., an Arizona )  
corporation, )

9 Plaintiff, )

10 v. ) Case No.  
4:21-cv-08066-KAW

11 WISDOM OF THE HEART CHURCH, a )  
California non-profit company )  
12 d/b/a THE UNIVERSITY OF )  
METAPHYSICAL SCIENCE; and )  
various unknown and/or fictional) individuals and entities, )

13 )  
Defendants. )

14 )  
15 )

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18 VIDEOCONFERENCE DEPOSITION OF

19 MICHELLE BEHR

20 Thursday, June 16, 2022  
Sedona, Arizona

21

22

23

24 Reported by: Keren M. Guevara, CSR No. 12478

25

1 MR. GOODMAN: Foundation.

2 THE WITNESS: Valerie, these are legal  
3 technical questions for my counsel. And my  
4 understanding is that we have had the rights because  
5 the -- Dr. Masters had a trust. The trust put  
6 everything to IMM.

7 Everything that went on between that, I only  
8 was -- became aware of the actual expiration of the  
9 trade after -- after it had expired, and then  
10 immediately we put into motion to get that taken care  
11 of.

12 So, in my understanding, we had full right.

13 BY MS. HORN:

14 Q So, now I want to talk about -- I want to talk  
15 about University of Metaphysics. Okay? I'm going to  
16 now switch over, and we're going to talk about that  
17 mark. Okay?

18 A Okay.

19 Q All right. So, I looked at these records  
20 today at 8:52 a.m., and it says -- do you recognize  
21 this, University of Metaphysics?

22 Is that a registered mark that you're claiming  
23 IMM owns?

24 A Yes.

25 MR. GOODMAN: Form.

June 16, 2022

1 BY MS. HORN:

2 Q So, do you have any understanding of what it  
3 means for the registration to be dead?

4 A Not 100 percent legal -- can you -- legal.

5 Can you actually explain it to me?

6 Q Well, I'm asking you for your knowledge. I  
7 don't -- I don't -- I just -- I'm not going to -- I  
8 don't -- it's not necessary for me to -- for purposes of  
9 my interrogation. It's not necessary for me to get into  
10 that explanation. Your lawyer will do that, I'm sure.  
11 I'm just asking for your lay knowledge, and if you don't  
12 know, then it's fine to just say, I don't know.

13 A Okay. I don't know.

14 Q Very good. Thank you.

15 So, now, I'm going to go to the settlement  
16 agreement, which is marked as Exhibit 21.

17 Ma'am, have you ever seen this document  
18 before?

19 A Yes.

20 Q So, I think we've established that you claim  
21 that at the time the settlement agreement was entered  
22 into, the trust was the owner of the four mark --  
23 alleged four registered marks at issue. Is that  
24 correct?

25 A Correct.

1           Q     So, when it says here, Defendant agrees not to  
2 use any of Plaintiffs' registered marks. And Plaintiffs  
3 are referred to as International Metaphysical Ministry  
4 and the Paul Leon Masters Living Trust.

5                 Is it your testimony that at the time that  
6 this agreement was entered into, that the trust was the  
7 owner of the four registered marks?

8           A     Yes.

9           Q     So -- and in this litigation -- and, so -- so,  
10          your testimony is that International Metaphysical  
11          Ministry was not the owner of the registered marks at  
12          the time -- those four registered marks at the time that  
13          the settlement agreement was entered into, correct?

14                 MR. GOODMAN: Foundation.

15                 THE WITNESS: My understanding was that it was  
16          at the time that we signed the settlement agreement.

17          BY MS. HORN:

18           Q     Well, you just told me that you thought it  
19          was -- it was the trust that was the owner of the four  
20          registered marks at the time that the settlement  
21          agreement was entered into, correct?

22           A     Yes. But we have --

23           Q     Okay. Do you remember -- wait. Wait.

24                 Do you remember that testimony?

25           A     Yes.

1 did state earlier that it was my understanding that the  
2 settlement agreement was signed through the trust and  
3 the International Metaphysical Ministry. And then you  
4 said, no, it was not. And then you showed me at the  
5 bottom that it was. So, maybe I did not understand the  
6 question.

7 Q Okay. Let's try to clear it up. I don't want  
8 to confuse you. And I apologize if I did.

9 A Okay.

10 Q Okay. So, at the time -- you testified that  
11 at the time that the settlement agreement was entered  
12 into --

13 A Uh-huh.

14 Q -- that the trust was the owner of the  
15 registered mark, correct?

16 A At the time of the settlement agreement, it  
17 was my understanding that the trust and International  
18 Metaphysical Ministry both co-signed the agreement. So  
19 that was my understanding.

20 MS. HORN: Okay. Move to strike as  
21 nonresponsive.

22 BY MS. HORN:

23 Q You testified that at the time that the  
24 agreement was entered into in September 9, 2019, that  
25 the owner of the four registered marks at issue was the

1 trust.

2 Do you remember that testimony?

3 A Yes.

4 Q Okay. So, the owner of the four registered  
5 marks at the time that the settlement agreement was  
6 entered into was not International Metaphysical  
7 Ministry, correct?

8 A Correct.

9 Q Okay.

10 A Now I understand the question. I'm sorry.  
11 I'm sorry, Valerie, but I need to be clear, so --

12 Q Absolutely.

13 Do you want to take a short break now?

14 A Sure. That will be great.

15 MR. GOODMAN: I think that will be a good  
16 idea. It's been about an hour and a half.

17 MS. HORN: We'll take a short break right now.  
18 Yeah. We'll take a short break, reconvene in ten  
19 minutes. Is that good?

20 MR. GOODMAN: That's great.

21 MS. HORN: Okay. Thank you.

22 (Recess was taken.)

23 BY MS. HORN:

24 Q Okay. Michelle, thank you for promptly coming  
25 back.

1                   Do you see that?

2                   A     I do.

3                   Q     Okay. So, you're claiming in your lawsuit  
4     that UMS violated a registered trademark that IMM did  
5     not own at the time of entering into the settlement  
6     agreement, correct?

7                   MR. GOODMAN: Form and foundation.

8                   THE WITNESS: They did violate using our trade  
9     marks, international Metaphysical Ministry, University  
10    of Sedona, and University of Metaphysics. Those are the  
11    names that we operate under, and they have no right to  
12    use our trademark names in any of their advertising, and  
13    they have violated that.

14                  MS. HORN: Okay. Move to strike as  
15    nonresponsive.

16                  BY MS. HORN:

17                  Q     Ma'am, can you -- I'm going to try to  
18    breakdown the question.

19                  So, in your complaint, you're alleging that  
20    UMS violated a registered trademark that IMM did not own  
21    at the time of the settlement agreement, correct?

22                  MR. GOODMAN: Foundation.

23                  THE WITNESS: We do own it. It's just that it  
24    had lapsed.

25

1 REPORTER CERTIFICATE

2 COUNTY OF SAN DIEGO, )

3 STATE OF CALIFORNIA, )

4

5 I, Keren M. Guevara, Certified Shorthand  
6 Reporter licensed in the State of California,  
7 License No. 12478, hereby certify that the foregoing  
8 proceeding was reported by me and was thereafter  
9 transcribed with Computer-Aided Transcription; that the  
10 foregoing is a full, complete, and true record of said  
11 proceeding; that request: [ ] was [X] was not made to  
12 read and correct said deposition.

13 I further certify that I am not of counsel or  
14 attorney for either or any of the parties in the  
15 foregoing proceeding and caption named or in any way  
16 interested in the outcome of the cause in said caption.

17 The dismantling, unsealing, or unbinding of  
18 the original transcript will render the reporter's  
19 certificates null and void.

20 In witness whereof, I have hereunto set my  
21 hand this day:

22

23

24 KEREN M. GUEVARA  
25 CSR No. 12478

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 22, 2023, a true and correct copy of -

**1. DEFENDANT WISDOM OF THE HEART CHURCH'S NOTICE OF ERRATA TO EXHIBIT "7" TO THE DECLARATION OF VALERIE F. HORN**

- was served via electronic mail on counsel for the Plaintiff:

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xx FEDERAL: I declare, under penalty of perjury under the laws of the United States of America that the foregoing is true and that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on May 22, 2023, at Los Angeles, California.

/s/ Valerie F. Horn

Valerie F. Horn